

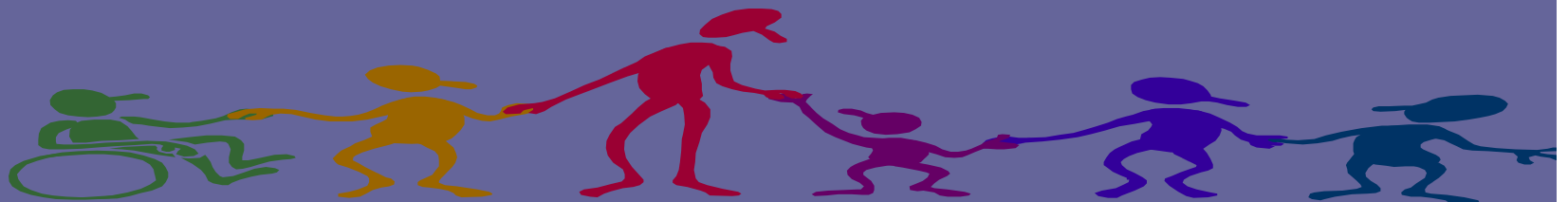


Least Restrictive Environment for Local Education Agencies

LRE for LEAs

Agenda

Time	Event
10 Minutes	Introductions and Greetings
5 Minutes	Review Session Objectives
20 Minutes	The law and LRE
20 Minutes	Activity One OSSE's Role
35 Minutes	Determine Placement
30 Minutes	Activity Two: Snowball
35 Minutes	Inclusive Schools
30 Minutes	Activity Three: Finding the Seeds of Inclusive Change in Your School



Essential Question

How can we ensure that students with special needs receive a Free and Appropriate Public Education within the Least Restrictive Environment through the implementation of appropriate goals?



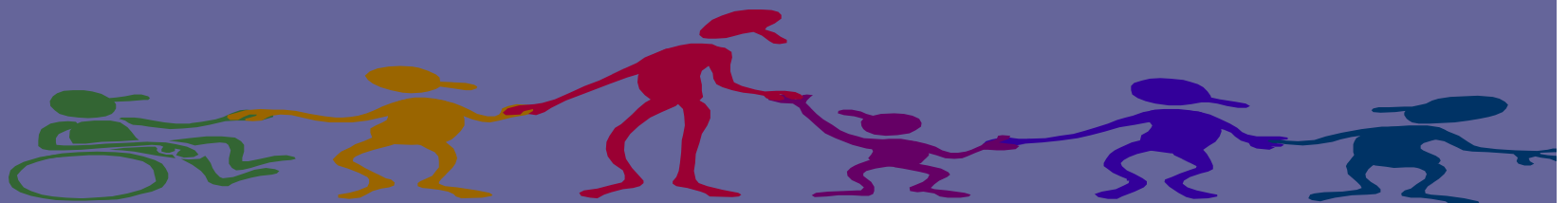
Session Objectives

Participants will be able to:

- Explain the *differences* and *connections* between *LRE* and *Inclusion*
- Explain the role of the Office of the State Superintendent of Education (OSSE) in placement decisions and monitoring LRE
- Identify the elements of a model classroom for students identified with special needs
- Evaluate an inclusive classroom to determine whether it meets the needs of all learners



The terms least restrictive environment (LRE) and inclusion are often used interchangeably.
However, they are not synonymous concepts.



Federal Legislation (IDEA)

The Least Restrictive Environment

Individuals with Disabilities Education Act: (IDEA) does not use the term 'inclusion'. It does require that learner be educated in the Least Restrictive Environment.



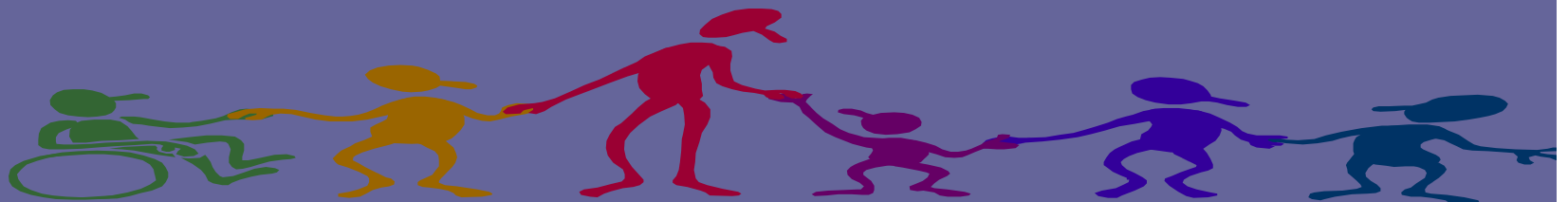
Least Restrictive Environment

1. To the maximum extent appropriate children with disabilities are to be educated with their non-disabled peers.
2. Removal may only occur when education in the general education classroom with the use of supplementary aids and services cannot be satisfactorily achieved.



Inclusion

The practice of providing a child with disabilities with his or her education within the general education classroom, with the supports and accommodations needed by that student. The inclusion typically takes place at the student's neighborhood school.
– (NICHY, 1995)



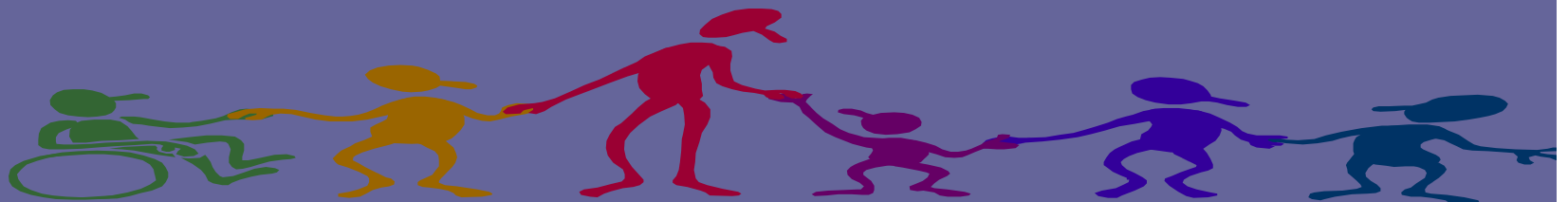
Litigation & LRE

- **Roncker v. Walter, 700 F. 2d 1058 (6th Cir. 1983)**
- **Daniel R.R. v. State Board of Ed., 874 F. 2d 1036 (5th Cir. 1989)**
- **Greer v. Rome City Sch. Dist., 967 F. 2d 470 (11th Cir. 1991)**
- **Oberti v. Board of Ed. 995 f. 2d 1204 (3rd Cir. 1993)**
- **Sacramento City Unified School District v. Rachel H., 14F.3d 1398 (9th Cir. 1994)**



Litigation & LRE

- **Clyde K. v. Puyallup Sch. Dist.** 35 F. 3d 1396 (9th Cir. 1994)
- **Hartmann v. Loudoun County** 118 F. 3d 996 (4th Cir. 1997)



The Roncker Portability Test (6th Circuit)

In a case where the segregated facility is considered superior, the court should determine whether the services which make that placement superior could feasibly be provided in a non-segregated setting.



The Daniel R. R. Two-Part Test (3rd, 5th, 11th)

1st Part - Can education in the regular classroom, with supplementary aids and services be satisfactorily achieved?

2nd Part - If it cannot, and the student is removed, is he/she mainstreamed to the maximum extent appropriate?



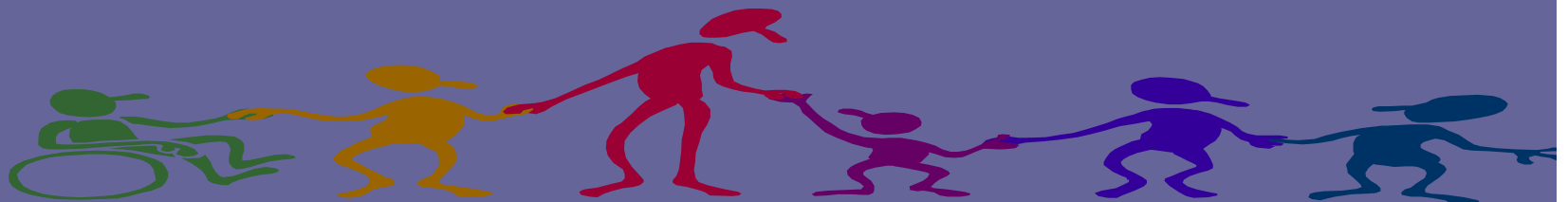
The Rachel H. Test (9th Circuit)

1st Factor - Educational benefits of the regular v. special classroom

2nd Factor - Non-academic benefits of regular v. special classroom

3rd Factor - Effect of the student on the education of others

4th Factor - The cost of mainstreaming



The Hartmann Three-Part Test (4th Circuit)

Mainstreaming is not required when:

1. A student with a disability would not receive an educational benefit
2. Any marginal benefit from mainstreaming is significantly outweighed by benefits in a separate setting
3. The student is a disruptive force in the classroom



What Was Done Correctly?

(Daniel R.R., Clyde K., Hartmann)

- ✓ Good faith attempts at inclusion
- ✓ Parents were involved
- ✓ Excellent documentation kept
- ✓ Integration used when appropriate



What Was Done Incorrectly?

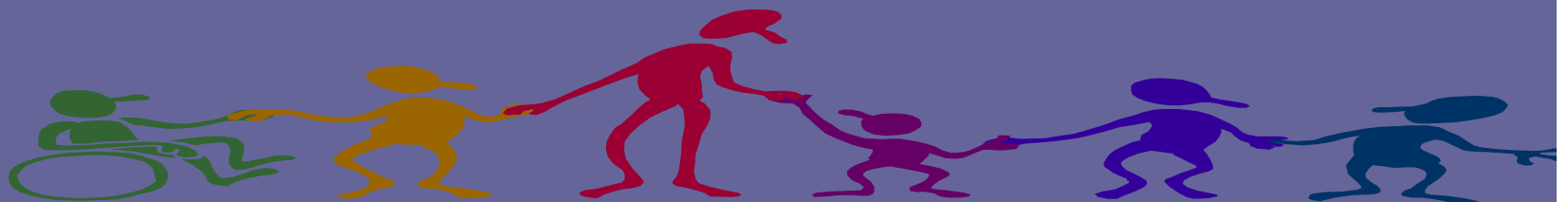
(Roncker, Greer, Oberti, & Rachel H.)

- ✓ Failure to make efforts to accommodate the child in the mainstream
- ✓ Full continuum of alternatives not considered in placing student
- ✓ Insufficient documentation



Themes of Litigation

- ✓ Appropriateness
 - LRE is not intended to replace appropriateness
- ✓ Individualization
 - One size does not fit all
- ✓ Options
 - Entire continuum of placements must be available
- ✓ Integration/Inclusion Bias
 - We must start with the notion of integration



Inappropriate Considerations in LRE decisions

- ✓ Placement according to category or severity
- ✓ Placement where services are traditionally provided
- ✓ Citing disruption w/o evidence of behavior management attempts
- ✓ Cost, unless excessive

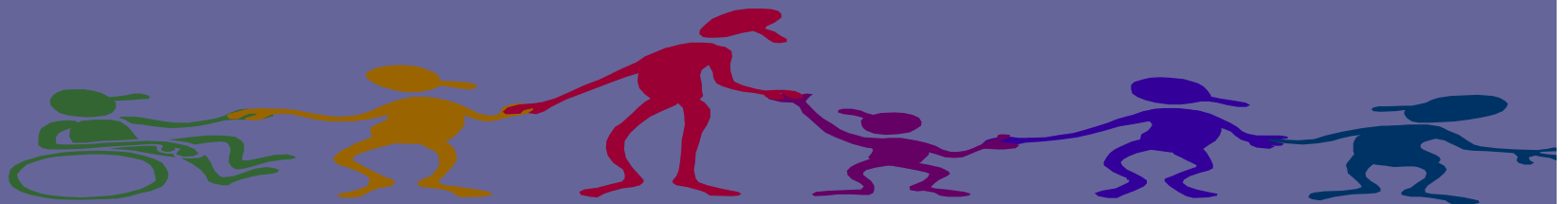


More Inappropriate Actions

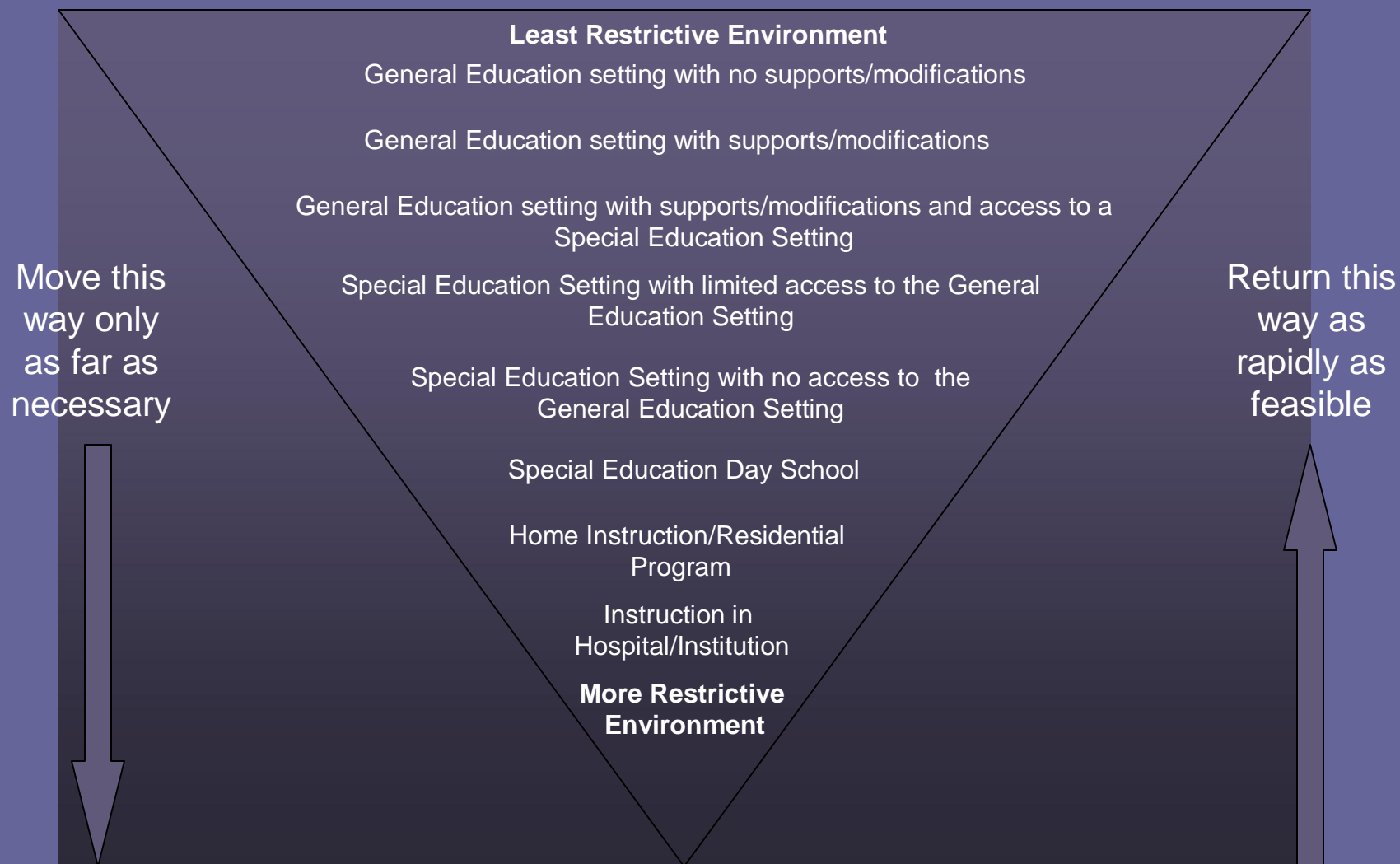
- ✓ Removing a student from general class placement, unless education with the use of supplementary aids & services cannot be achieved satisfactorily
- ✓ Adopting a “full inclusion” policy instead of using the continuum of alternative placements
- ✓ Excluding parents from placement decisions
- ✓ Failing to follow the procedural requirements of the IDEA for all changes of placement



Activity One: OSSE's Role

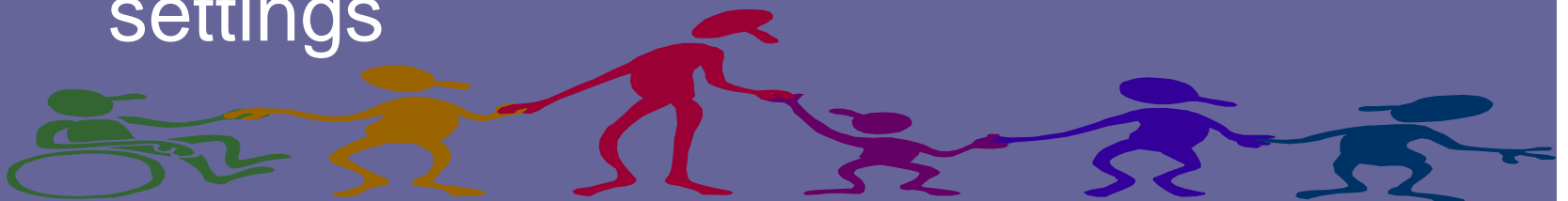


Continuum of Alternative Placements



Determining Placement

- IEP team should determine placement
- The IEP must be developed before placement decision
- The IDEA presumes that students will participate with nondisabled students in general education settings
 - If not, the IEP must explain why
- Include positive behavioral supports & interventions in general education settings



Factors in Placement

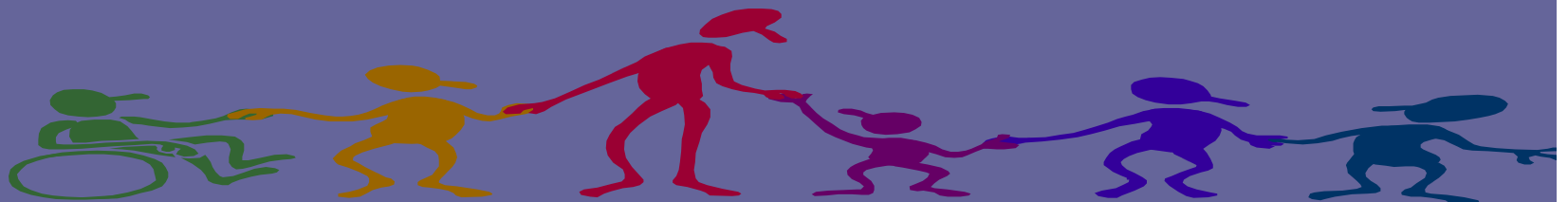
- ✓ Placement in the neighborhood school
 - Unless the IEP requires otherwise, students with disabilities should be educated in their neighborhood school.
 - Courts have consistently held that the IDEA creates a presumption in favor of the neighborhood school but does not guarantee it.
- ✓ Interests of peers without disabilities

“where a child is so disruptive...that the education of other students is significantly impaired...regular class placement would not be appropriate...” 34 C.F.R. § 300.552,comment



More Important Factors

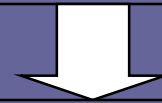
- ✓ Is the program appropriate for the student?
- ✓ Is the entire continuum of placements available if needed?
- ✓ Is placement determined annually?
- ✓ Are individualized placement decisions made by the IEP team and other qualified personnel?
- ✓ Are students placed in their home school if appropriate?
- ✓ Are students with disabilities educated with nondisabled students?



Determining LRE

Determine FAPE

Goals and Objectives
What is appropriate?

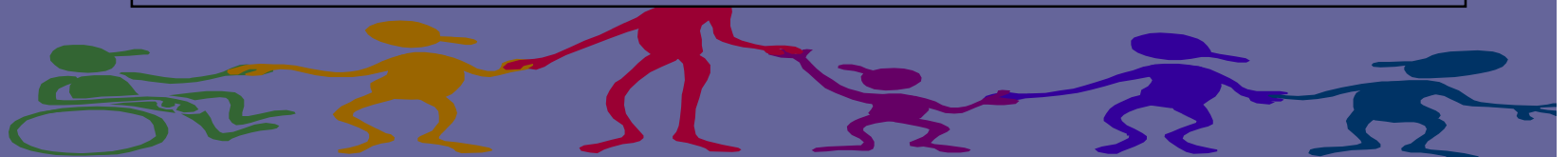


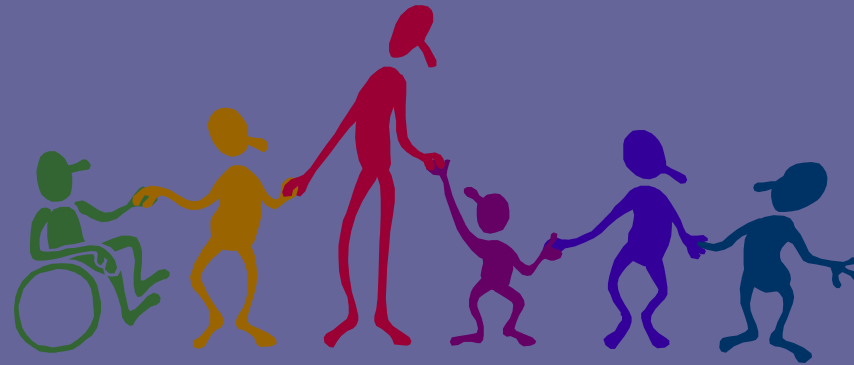
Determine Placement

Can FAPE be achieved in general ed. with
supplementary aids and services?
If no, move through the continuum to determine
LRE



Provide Integrated Experiences





The essence of our effort to see that every child has a chance must be to assure each an equal opportunity, not to become equal, but to become different—to realize whatever unique potential of body, mind and spirit he or she possesses.

John Fischer, Author

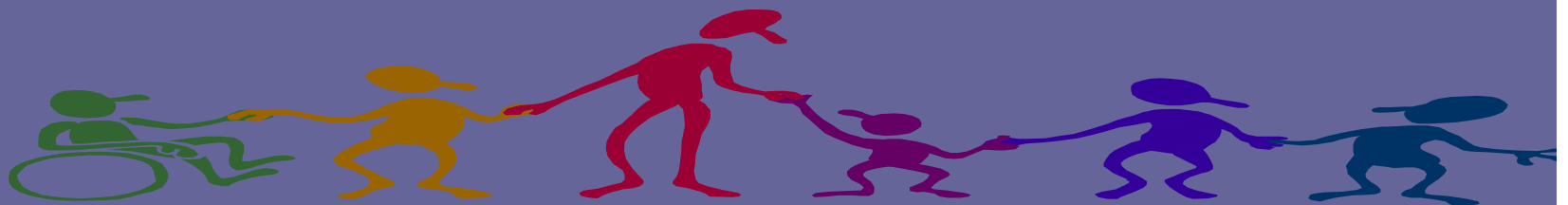
Evolution of Inclusion (Definitions)

In a school with MAINSTREAMING

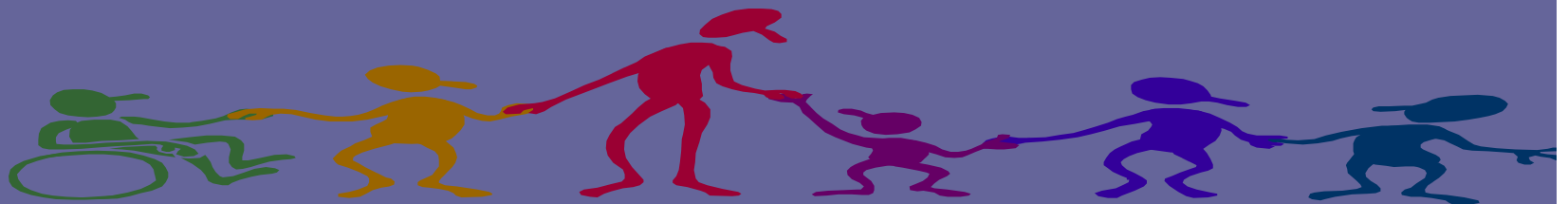
In an INTEGRATED School

* Adapted from Gee, K. (2002) Looking closely at instructional practices: honoring and challenging all children and youth in inclusive schools. In Whole school success and inclusive education. Sailor, W. (ed) 123-138.

Activity Two: Snowballs



An Inclusive Environment Is:



The Focus of Inclusive Environments:

Development of regular school and classroom communities that nurture and support the educational and social needs of every student in attendance

Stainback & Stainback



Key Elements of an Inclusive School

- Division and building-level consensus
- Ongoing collaboration
- Individualized goals weaved into general activities
- Provision of time
- Strong administrative support
- Parental involvement
- Strong peer networks
- Use of natural supports



A Model Classroom for Students with Exceptionalities

- Wide range of supplementary aids and supports
- Program and/or curriculum modifications
- Provision of an itinerant special education provider and/or assistance from a para-educator



A Model Classroom for Students with Exceptionalities

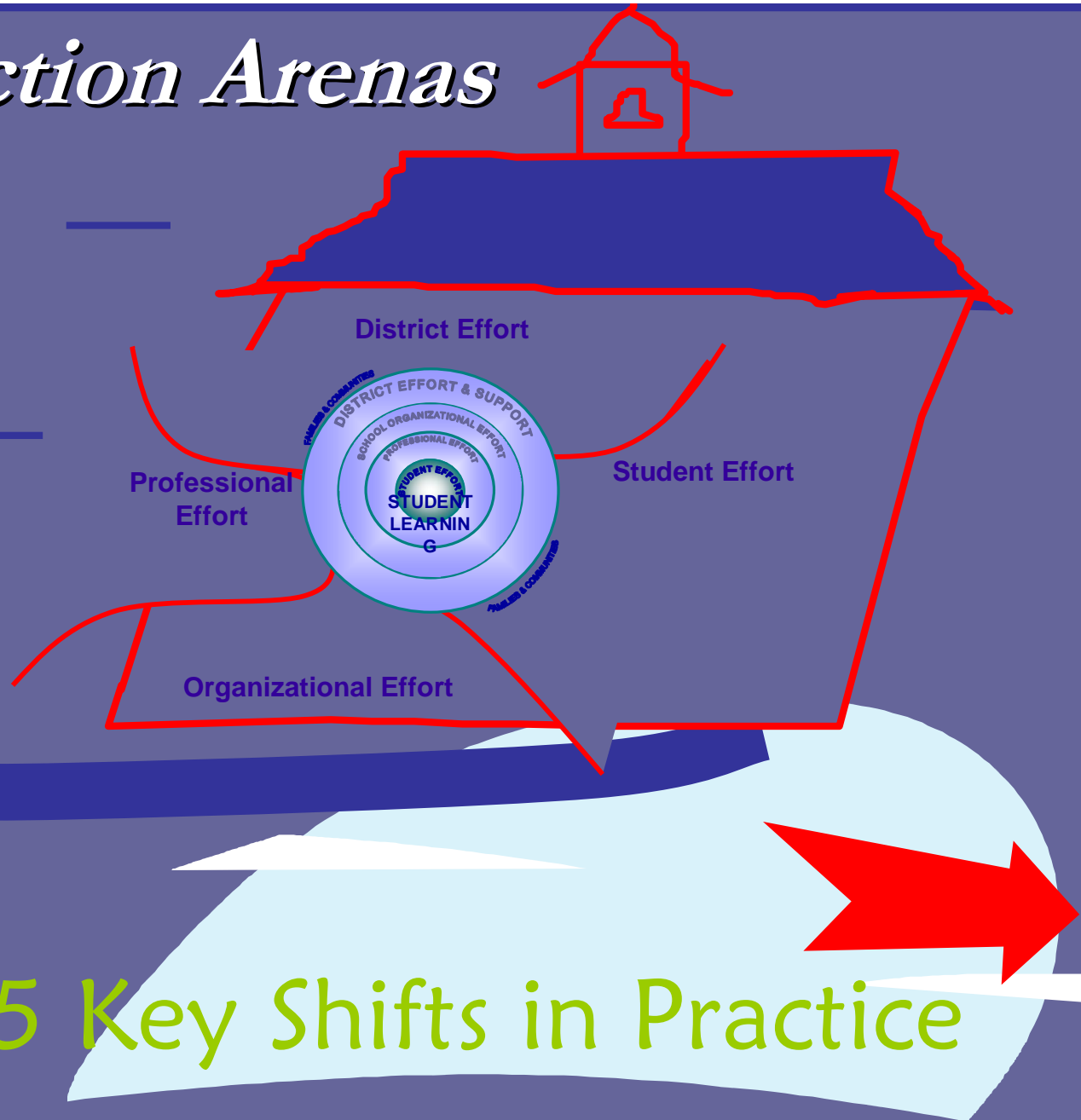
- Special education training for the regular education teacher
- Assistive technology
- Differentiation in instructional and behavioral strategies



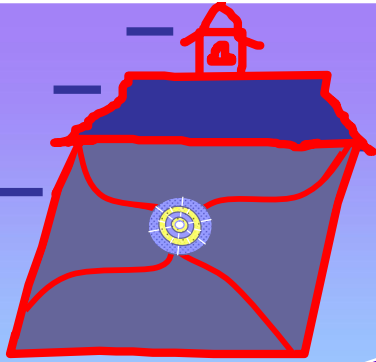
*Now that you have a
background on
Inclusive practices, it is time to
put your
IDEAS into PRACTICE!*



4 Action Arenas



5 Key Shifts in Practice



TEACHING

LEARNING



performance
assessments



interdisciplinary,
integrated
curriculum



activity-based **teaching**



emphasis on
uses of skills



consideration of
✓ multiple intelligences

✓ learning styles

✓ “brain-based” learning



attention to student
interests & preferences



exhibitions & projects

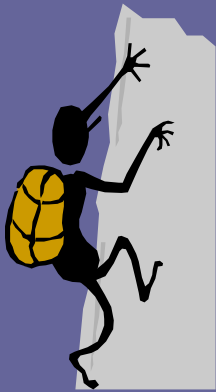
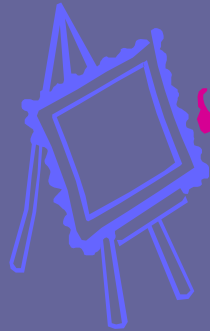
Classroom Curriculum



Writing lab



Multiple Intelligences



Literature Based Reading

READ RIGHT

Reading Recovery



Story Line

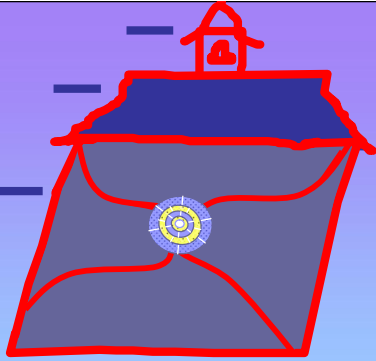


PRIVATE EYE



Mind Mapping





SERVICE

SUPPORT



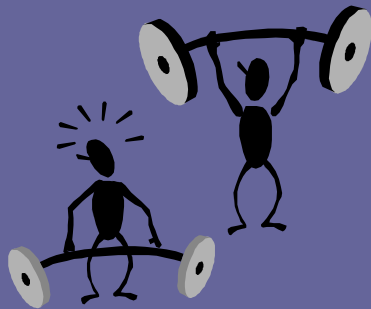


To hold in position;
prevent from falling,
sinking, or slipping



To keep from failing during
stress; lend strength to

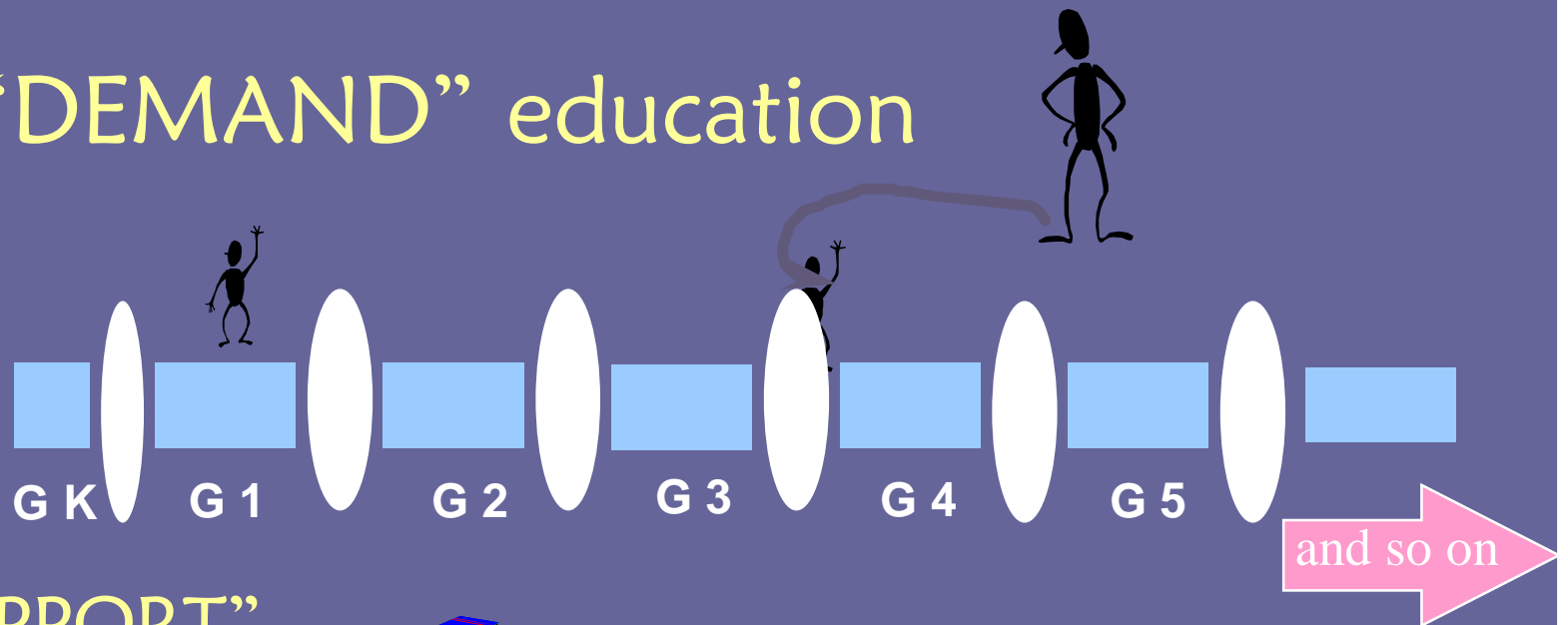
SUPPORT



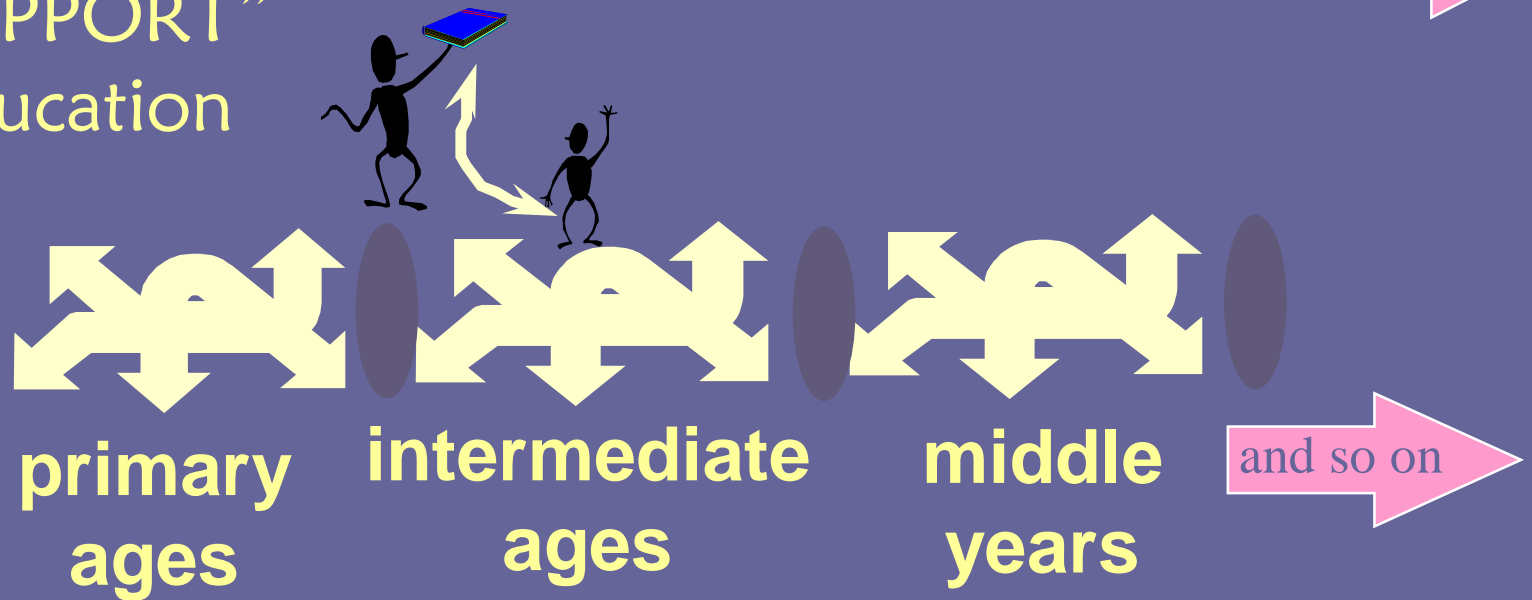
To bear the weight of,
especially from below

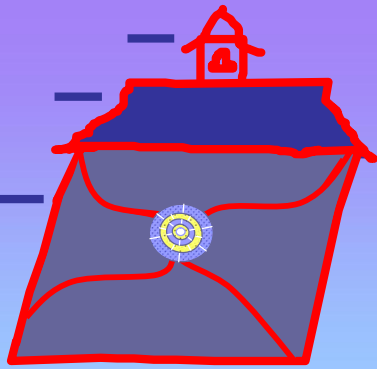


“DEMAND” education



“SUPPORT” education





INDIVIDUAL
PRACTICE

GROUP
PRACTICE



Reformed teacher
education



Teacher-directed CPD



time for adults
to work together



Innovative school
structures & schedules



Mixed-ability
groups of
teachers



Continuing professional
development



new roles for family &
community



groupwork



collaborative work

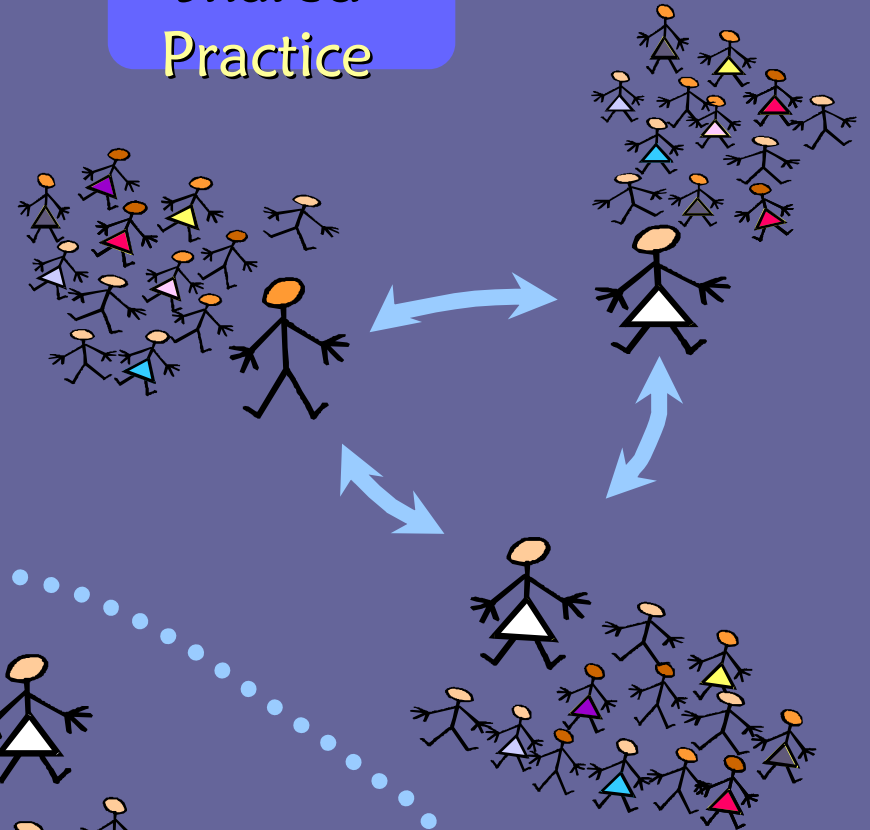


teamwork

Individual Practice

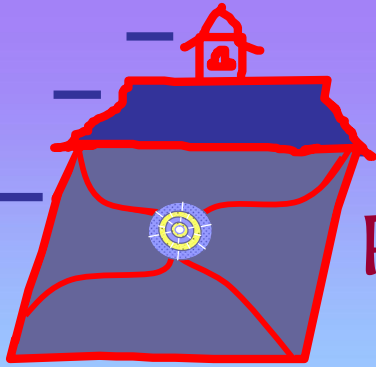


Shared Practice



Group Practice





REFORM

CONTINUOUS IMPROVEMENT & RENEWAL

 Whole school change
models &
approaches

 Quality-driven continuous
improvement models

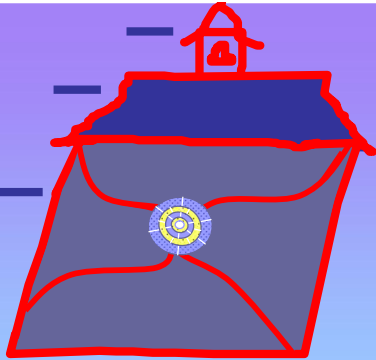
 Performance-based
accountability systems

 Site-based decision-
making &
management

 Practice-based inquiry


 Family linkages

 Community partnerships



PARENT INVOLVEMENT

FAMILY & COMMUNITY LINKAGES

 Business partners


 Shadowing as part of school improvement

 Family work groups

 Community resource banks

 Site-based decision-making & management

 Business volunteers

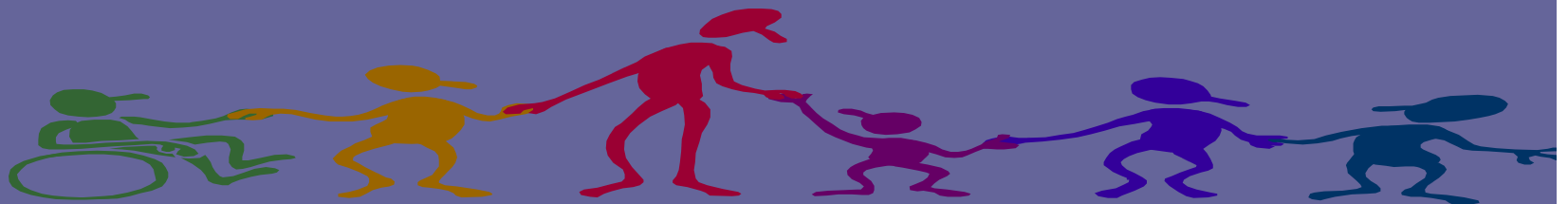
 participation in building leadership teams

 Family coffees

 Community partnerships

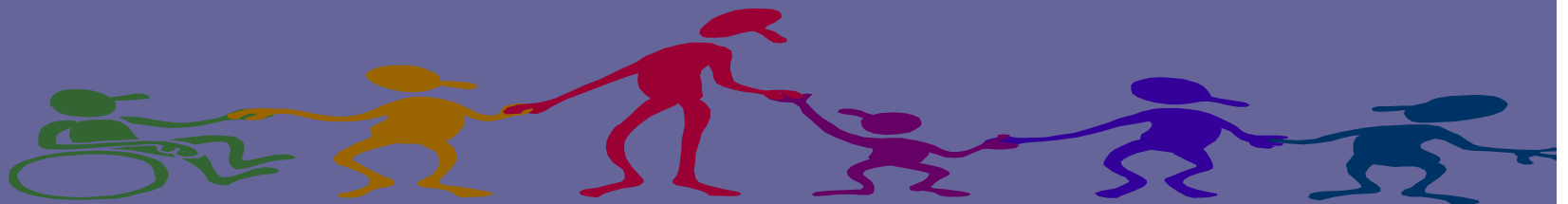
A Parent Says.....

I want my children to succeed in school, to know they succeeded, and to feel good about that. I want the school to like my children...

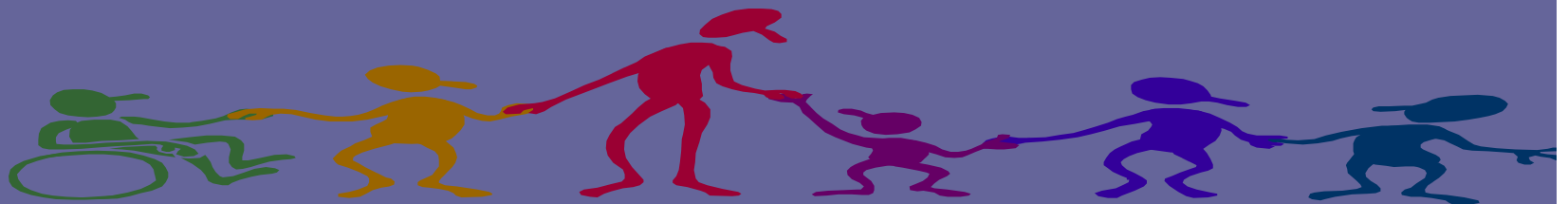


Dewey (1902) Says.....

What the best and wisest parent wants for his child, that must the community want for all its children. Any other ideal for our schools is narrow and unlovely; acted upon, it destroys our democracy.



***Activity Three: Finding the
Seeds of Inclusive Change
in Your School***



Contact Information

Office of the State Superintendent of Education, Training and Technical Assistance

- Charlene Roach-Glymph – Least Restrictive
Environment and Inclusive Practices
– Charlene.Roach-glymph@dc.gov



Least Restrictive Environment



Students with disabilities are to be educated with their non-disabled peers, supported with needed supplementary aids and services, unless otherwise and specifically justified to the contrary.

Cartier & Keraner-Lipky

Resources

- Council for Exceptional Children. (1997). IDEA 1997: Let's make it work. Reston, VA: Council for Exceptional Children.
- www.ed.gov/offices/OSERS/Policy/IDEA
- www.wrightslaw.com
- www.inclusion.com
- <http://urbanschools.org>

